

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

February 11, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref: 10KD-220

Kauai

Issuance of Revocable Permit to Chrysalis Events Hawaii for a Teambuilding Event at Shipwreck Beach, fronting the Grand Hyatt Kauai Resort & Spa, Poipu, Kauai, Tax Map Key: (4) 2-9-1: portion seaward of 2.

APPLICANT:

Chrysalis Events Hawaii whose business and mailing address is 3-2600 Kaumualii Highway, Suite B-18, #262, Lihue, Hawaii 96766.

LEGAL REFERENCE:

Sections 171-55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of Poipu, Kauai, identified as tax map key: (4) 2-9-1: 2, as shown on the attached Exhibit A.

AREA:

4,000 square feet, more or less.

ZONING:

State Land Use District: Conservation

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No

CURRENT USE STATUS:

Vacant and unencumbered.

CHARACTER OF USE:

Teambuilding Activity – Sand Castle Building Contest

TERM:

From 7:00 am to 1:00 pm on March 30, 2011.

RENTAL:

\$400.00 (Rental will be based on 10¢ per square feet per day.) Total area of requested use is 4,000 square feet.

COLLATERAL SECURITY DEPOSIT:

None.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rule Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No. 4, that states "Minor alteration in the conditions of land, water, or vegetation."

DCCA VERIFICATION:

Place of business registration confirmed:	YES <u>X</u>	NO <u> </u>
Registered business name confirmed:	YES <u>X</u>	NO <u> </u>
Applicant in good standing confirmed:	YES <u>X</u>	NO <u> </u>

REMARKS:

Pursuant to the authority delegated by the Board on September 28, 2001 (D-4), right-of-entry permits were issued for these types of teambuilding and beach activities (contests) in the past.

After discussion about different types of commercial activities and any associated requirements, staff brings the request to the Board for disposition. The form of disposition could be in form of a revocable permit.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated

within the past five years due to non-compliance with such terms and conditions.

Chrysalis Events Hawaii is requesting a right-of-entry permit for Valve Software. The Sand Castle Building Contest is scheduled for March 30, 2011. Set-up will be from 9:00am and break down by 1:00pm.

State Historic Preservation Division has recommended that this event be moved to another location due to this site having skeletal remains inadvertently discovered on Shipwreck Beach due to shoreline erosion in 1990 and 1993. (see Exhibit 'B')

Staff notified Chrysalis Events Hawaii to consult with State Historic Preservation Division. The location of the event will be higher on the beach and not close to the waterline. Each team will use only one (1) 5-gal. pail of sand from the surface of the beach no more than 6 inches deep. No digging of 1 foot or more is planned. Spotters will be placed. If bones are uncovered, the event will be halted and State Historic Preservation Division will be contacted immediately. After the event, sand will be leveled to pre-existing conditions.

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impacts, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event/use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Comments were solicited from:

State Agencies:

DOH	If sand binding chemicals used, further information needed by Clean Water Branch
Historic Preservation	Recommend another location due to skeletal remains excavated in beach area before.
OCCL	No response by suspense date
OHA	No response by suspense date

County Agencies

County Planning	No objections
Parks & Recreation	Monitor public parking lot for emergency vehicle access

Others

Grand Hyatt Kauai	No response by suspense date
Grove Farm Company	No response by suspense date

RECOMMENDATION: That the Board


1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the issuance of a revocable permit to Chrysalis Events Hawaii covering the subject area for a teambuilding event purposes under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
 - B. Review and approval by the Department of the Attorney General; and
 - C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Marvin Mikasa
Land Agent

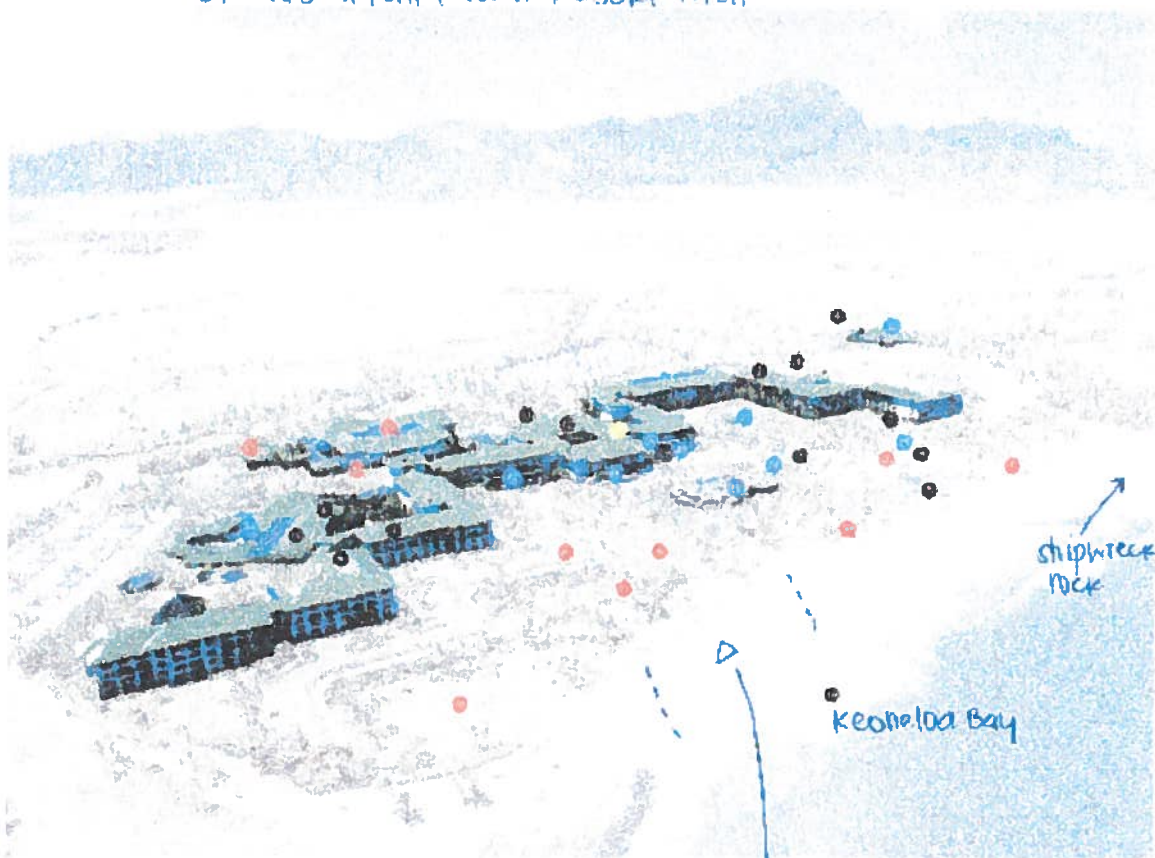
APPROVED FOR SUBMITTAL:



William J. Aha, Jr., Interim Chairperson

Re: Sand castle Contest permit for March, 30, 2011.

GRAND HYATT KAUI RESORT map



ⓧ general beach area for
sand castle building contest
(area needed: 4,000 sq. ft.)

EXHIBIT "A"

EXHIBIT "A"

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

WILLIAM J. AILA, JR.
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

CLYD KAILUKUKUI
INTERIM FIRST DEPUTY

WILLIAM M. TAM
INTERIM DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

January 4, 2010

Log No. 2010.3899
Doc No. 1012MV35

MEMORANDUM

TO: Department of Land and Natural Resources
Land Division
3060 Eiwa Street, Room 208
Lihue, HI 96766

FROM: Theresa Donham, Archaeology Branch Chief/Deputy SHPO

SUBJECT: Chapter 6E-42 Historic Preservation Review -
Review of a Revocable Permit to Chrysalis Events Hawaii for a
Team Building Event at Shipwreck Beach Ref. No. 10KD-220
Pa'a Ahupua'a, Koloa District, Island of Kaua'i
TMK (4)-2-9-001:002 (Seaward)

Thank you for the opportunity to review and comment on the aforementioned permit application that was received by our office on December 13, 2010. According to your letter, the team building event consists of a sand castle building contest on Shipwreck Beach in front of the Grand Hyatt Kauai Resort. The sand castle contest will undoubtedly involve a large amount of excavation in the beach area. A review of our records indicates that there have been human skeletal remains inadvertently discovered on Shipwreck Beach as a result of shoreline erosion (Dager 1993 and Trembley 1990). It is our belief that the excavations of 200 sand castle builders in a limited area on a beach that has been shown to contain human skeletal remains would adversely affect historic properties. We therefore do not recommend issuing this permit for this location. We believe that an alternative location without a history of human skeletal discoveries should be sought.

Please contact Mike Vitousek at (808) 692-8029 or Michael.Vitousek@hawaii.gov if you have any questions or concerns regarding this memo.

EXHIBIT "B"



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

February 11, 2011

EXEMPTION NOTIFICATION

regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title:	Issuance of Revocable Permit to Chrysalis Events Hawaii for a Team Building Event.
Project / Reference No.:	10KD-220
Project Location:	Shipwreck Beach, Poipu, Kauai, Tax Map Key: (4) 2-9-1:portion seaward of 2.
Project Description:	Teambuilding Event – Sand Castle Building Contest.
Chap. 343 Trigger(s):	Use of State Unencumbered Land
Exemption Class No.:	In accordance with Hawaii Administrative Rule, Section 11-200-8(a)(1)(4) and the Exemption List for the Department of Land and Natural Resources approved by the Environmental Council and dated December 4, 1991, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No.1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing" and Class No.4, that states "Minor alteration in the conditions of land, water, or vegetation".

The proposed activity has historically and routinely occurred and continues to occur on this and other beach areas across the State. Such activities have resulted in no known significant impact, whether immediate or cumulative, to the natural, environmental and/or cultural resources in the area. As such staff believes that the proposed event use would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

EXHIBIT "C"

Consulted Parties:

Office of Conservation and Coastal Lands (OCCL)

Recommendation:

It is recommended that the Board find that this request will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.



William J. Aila, Jr., Interim Chairperson

Date